

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

CLAUDE GENE LEE, SR.,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	CASE NO. 1:06-CV-874-MHT
	)	
WESTPOINT HOME, INC.,	)	
	)	
Defendant.	)	

**MOTION FOR SUMMARY JUDGMENT**

Defendant WestPoint Home, Inc. ("WPH") moves the Court to enter, pursuant to Rule 56 of the Federal Rules of Civil Procedure, a summary judgment in WPH's favor dismissing the action on the grounds that there is no genuine issue as to any material fact and that the Defendants are entitled to a judgment as a matter of law.

This motion is based upon the pleadings, the Evidentiary Submission in support of Motion for Summary Judgment, and the Defendant's Memorandum Brief filed contemporaneously.

Respectfully submitted this 7th day of June, 2007.

/s/Kelly F. Pate  
One of the Attorneys for Defendant WestPoint  
Home, Inc.

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**CERTIFICATE OF SERVICE**

I hereby certify that I have electronically filed the foregoing with the Clerk of the Court using the AlaFile system which will send notification of such filing and/or that a copy of the foregoing has been served upon the following by placing a copy of same in the United States mail, properly addressed and postage prepaid, on this 7th day of June, 2007:

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